

PROVINCIAL SYNOD
OF THE
United Church of England and Ireland
IN CANADA.
—
CONSTITUTION,
CANONS, RULES OF ORDER,
&c.,
WITH THE
ACTS OF THE LEGISLATURE OF THE PROVINCE
OF CANADA.

QUEBEC:
PRINTED BY G. T. CARY, "DAILY EVENING MERCURY" OFFICE.
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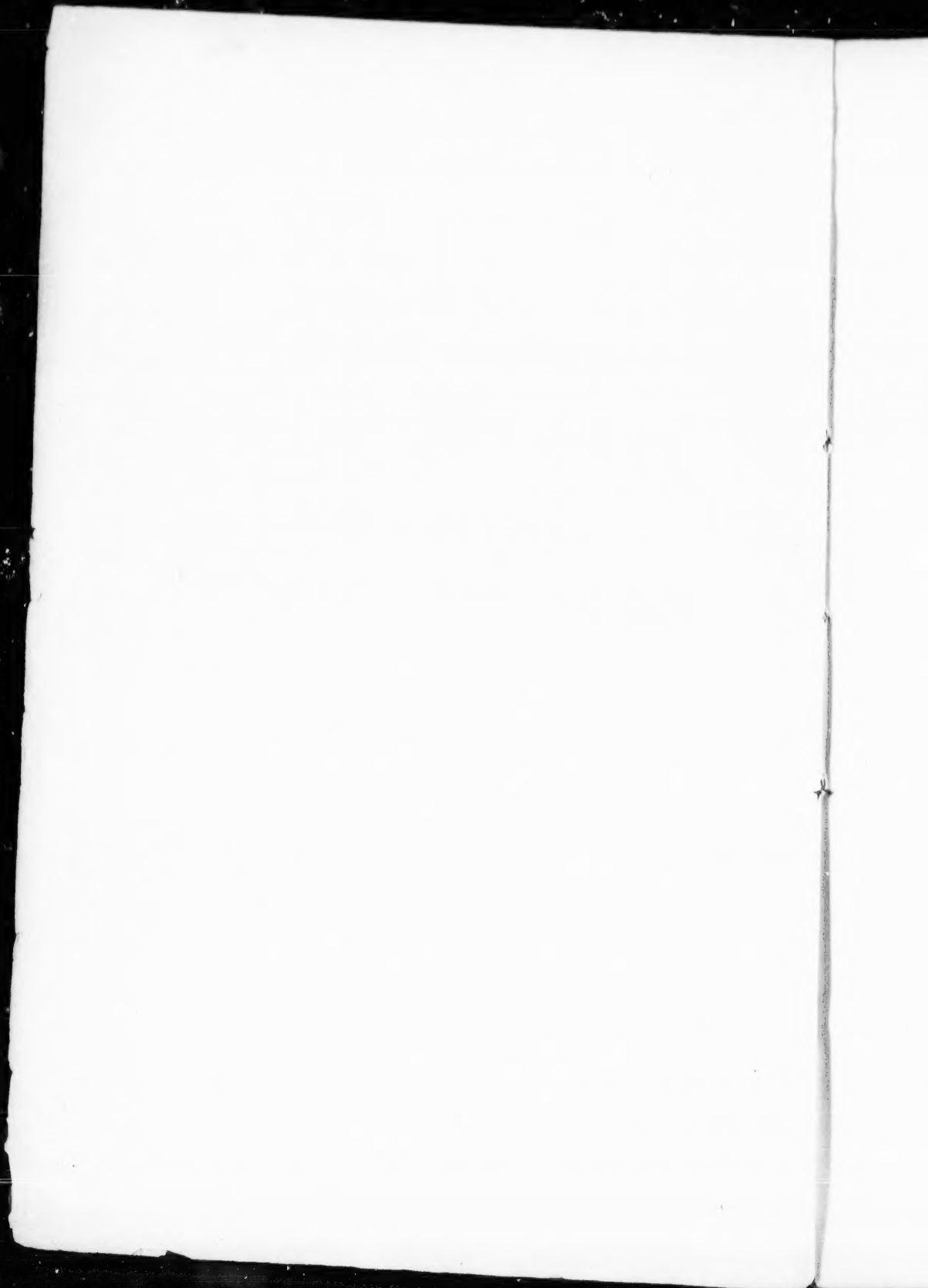


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1. The first part of the book is devoted to a general introduction to the subject of the history of the world, and to a description of the various methods which have been employed by historians in the collection and arrangement of their materials.

2. The second part of the book is devoted to a description of the various methods which have been employed by historians in the collection and arrangement of their materials.

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A C T S
OF THE
LEGISLATURE OF THE PROVINCE OF CANADA.

19-20 Vict., Chap. 121.

An Act to enable Members of the United Church of
England and Ireland in Canada to meet in Synod.

PROCLAIMED MAY 28TH, 1857.

WHEREAS doubts exist whether the members of the United Church of England and Ireland in this Province have the power of regulating the affairs of their Church, in matters relating to discipline, and necessary to order and good government, and it is just that such doubts should be removed, in order that they may be permitted to exercise the same rights of self-government that are enjoyed by other religious communities; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The Bishops, Clergy and Laity, Members of the United Church of England and Ireland in this Province, may meet in their several Dioceses, which are now, or may be hereafter constituted in this Province, and in such manner and by such proceedings as they shall adopt, frame constitutions and make regulations for enforcing discipline in the Church, for the appointment, deposition, deprivation, or removal, of any person bearing office therein, of whatever order or degree, any rights of the Crown to the contrary notwithstanding, and for the convenient and orderly management of the property,

affairs, and interests of the Church in matters relating to and affecting only the said Church, and the officers and members thereof, and not in any manner interfering with the rights, privileges, or interests of other religious communities, or of any person or persons not being a member or members of the United Church of England and Ireland; provided always, that such constitutions and regulations shall apply only to the Diocese or Dioceses adopting the same.

II. The Bishops, Clergy, and Laity, members of the United Church of England and Ireland in this Province, may meet in General Assembly within this Province, by such representatives as shall be determined and declared by them in their several Dioceses; and in such General Assembly frame a constitution and regulations for the general management and good government of the said Church in this Province; provided always, that nothing in this act contained shall authorize the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said Church or not, or the infliction of any punishment, fine or penalty, upon any person other than his suspension or removal from an office in the said Church, or exclusion from the meetings or proceedings of the Diocesan or General Synods; and provided also, that nothing in the said constitutions or regulations, or any of them, shall be contrary to any law or statute now or hereafter in force in this Province.

22 Viet., Chap. 139.

An Act to explain and amend the Act intituled:
 "An Act to enable the Members of the United
 Church of England and Ireland in Canada to meet
 in Synod."

ASSENTED TO AUGUST 16TH, 1868.

WHEREAS doubts exist whether in the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled: "An Act to enable the Members of the United Church of England and Ireland in Canada, to meet in Synod," sufficient provision is made for the representation of the Laity of the United Church of England and Ireland in the Synods by the said Act authorized to be held, and it is expedient that such doubts should be removed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. For all the purposes of the aforesaid Act, the Laity shall meet by representation; and until it shall be otherwise determined by the Synod in each Diocese, one or more delegates (not exceeding three in any case,) may be elected at the annual Easter meetings in each parish, mission or cure within the Diocese, or in cases where there may be more than one congregation in any parish, mission, or cure, then in each such congregation, or at meetings to be specially called for the purpose by each Clergyman having a separate cure of souls; and all laymen within such parish, mission, or cure, or belonging to such congregation, of the full age of twenty-one years, who shall declare themselves in writing at such meetings to be members of the United Church of England and Ireland, and to belong to no other religious denomination, shall have the right of voting at such election.

Each delegate shall receive from the Chairman of the meeting a certificate of his election, which he shall produce when called upon so to do, at the Synod; and the first meeting of such Synod shall be called by the Bishop of the Diocese at such time and place as he shall think fit: provided always, that no business shall be transacted by the Synod of any Diocese unless at least one-fourth of the Clergy of such Diocese shall be present, and at least one-fourth of the Congregations within the same be represented by at least one delegate.

II. All proceedings heretofore had in any Diocese under the aforesaid Act, which have been conformable to the provisions of this Act, shall be held to be valid, as if the same had taken place after the passing of this Act.

DECLARATION.

We, the Bishops of the United Church of England and Ireland within the Province of Canada, together with the Delegates from the Clergy and Laity of the Diocesan Synods, now assembled in the first Provincial Synod under Royal and constitutional authority, and intending, under God's blessing and guidance, to consider and determine upon such matters as shall appear necessary for the welfare of the Church in this Province, desire to express our most humble and hearty thanks to Almighty God, that it has pleased him in his Providence to set over us a Metropolitan, and thus to enable us, as in the ancient days, to assemble as one body, under the direction of his Holy Spirit, whose aid we now invoke, in the name of his only begotten Son, for the consolidation and advancement of his kingdom in this Province.

Before entering on the business for which we are at present assembled, we desire publicly to declare the principles upon which we propose to proceed.

We desire the Church in this Province to continue, as it has been, an integral portion of the United Church of England and Ireland.

As members of that Church, we recognize the true Canon of Holy Scripture as set forth by that Church, on the testimony of the Primitive Catholic Church, to be the rule and standard of Faith: we acknowledge the Book of Common Prayer and Sacraments, together with the Thirty-nine Articles of Religion, to be a true and faithful declaration of the doctrines contained in Holy Scripture; we maintain the form of Church government by Bishops, Priests and Deacons, as Scriptural and Apostolical; and we declare our firm and unanimous resolution, in dependence on Divine aid, to preserve those doctrines and that form of government, and to transmit them to our posterity.

In particular we maintain the ancient doctrine of our Church, that the Queen is rightfully possessed of the chief government and supremacy over all persons within her dominions, whether ecclesiastical or civil, as set forth in the 37th of the Articles of Religion: and we desire that such supremacy should continue unimpaired.

It is our earnest desire and determination to confine our deliberations to matters of discipline, to the temporalities of the Church, and to such regulations of order, or modes of operation, as may tend to her efficiency and extension: and we desire no control or authority over any but those who are or shall be members of the same church.

We conceive that the following, or such like objects may fitly come under our consideration, and lead to action on our part:

1. To form a Constitution for this Synod, and to regulate the time and place of the meetings, and the order and manner of its proceedings.
2. To provide for the proper exercise of ecclesiastical

discipline, in regard to both Clergy and Laity, by modifying and enacting Canons, and by establishing and ordering a Court of Appeal.

3. To provide, with consent of the Crown, (when needed) fit regulations for the appointment of Bishops, Priests and Deacons, in accordance with the Canons of the Universal Church.

4. To provide, with the consent of the Crown, for the division of the Province into new Dioceses, as occasion may require.

5. To procure from the Colonial Legislature any laws or modifications of laws, which the circumstances of the Church may require.

6. To promote the further consolidation and united action of the whole of the Dioceses of British North America.

Proceeding upon these principles, which, as we humbly thank God, were, under His good guidance, first among the Colonial Churches, publicly set forth amongst ourselves, and have been sustained by the acceptance of our brethren through a large part of the Colonial Dominions of our beloved Queen, we firmly rely and depend upon His continued blessing and guidance; and we humbly pray that He, who is the God of unity and peace, may ever be with us, and so chasten our affections, purify our motives, and guide our judgment, that we may be enabled to contribute to the efficiency, concord and stability of the church in this land.

CONSTITUTION OF THE PROVINCIAL SYNOD, AS
ADOPTED BY THE LOWER HOUSE, WITH AMEND-
MENTS AGREED UPON BY THE UPPER HOUSE.

1. The Provincial Synod shall consist of the Bishops of the United Church of England and Ireland, having Sees within the Province of Canada, or executing by due authority the

Episcopate as assistant or Missionary Bishops therein, and of Delegates chosen from the Clergy and from the Laity.

2. The Bishops shall deliberate in one House, and the Delegates from the Clergy and Laity in another, and each House shall hold its sittings either in public or in private, at its own discretion.

3. The Clerical and Lay Delegates shall consist of twelve of each Order from each Diocese.

4. The Synod shall meet on the 2nd Wednesday of September in every third year, or oftener, at the discretion of the Metropolitan; or on the requisition of any two Bishops, or of the Bishop and half the Delegates of each order in any Diocese.

5. In a vacancy of the Metropolitan See, a meeting may be called at the appointed period, or on either of the above requisitions, by the Senior Bishop of the Church in Canada.

6. A quorum of the Synod shall consist of not less than a majority of the Bishops and not less than one-fourth of the members of each Order of the Lower House.

7. The Metropolitan, or some Bishop appointed by him, shall be the President of the Upper House; and in the vacancy of the See the House of Bishops shall elect one of their own number to preside.

8. The Lower House shall be presided over by their Prolocutor, to be chosen *viva voce* on motion of any member of that House.

9. Each House shall appoint a Secretary or Secretaries, who shall keep regular accounts of all proceedings in their own House, shall record them in books provided for the purpose, shall preserve memorials and other documents under the direction of the President and Prolocutor, shall attest all public Acts of the Synod, and deliver over all records and documents to their successors.

10. The expenses of the Synod shall be provided for, and its

financial concerns managed by a Committee of the Lower House, after a manner to be approved by both Houses.

11. Each House shall establish its own order of proceeding and rules of order, and may publish such of its proceedings as may appear advisable.

12. The Upper House shall propose to the Lower any business they may desire to have treated of or decided ; and it shall be incumbent on the Lower House to take up and dispose of such business in preference to any other.

13. The Upper House may direct the Lower to appoint a Committee to report to the Upper on any subject, on which they may desire the judgment of the Lower, or to appoint their portion of a joint committee ; or may summon the Lower to a conference.

14. Messages from the Upper House shall be delivered by an officer of the Upper to the Secretary of the Lower, by whom they shall be communicated to the Prolocutor, who shall communicate them to the House.

15. The Lower House may present to the Upper any matter which they conceive to be a grievance or to require amendment, even when they have no proposition to make on the same ; and the Upper House shall thereupon place it in order for consideration, with a view of providing a remedy ; and shall, before the conclusion of the session, declare to the Lower House the result.

16. The Prolocutor shall have the right of admission personally or by Committee to the Upper House, to communicate the desire or decisions of his House ; and in such case he shall ascertain by message when he or the Committee can conveniently be received in the Upper House, and act accordingly.

17. It shall be competent to the Lower House to request a joint committee or conference on any special object, beyond those submitted to it by the Upper House, or to propose for

discussion any specific measure ; to which request an answer shall be given ; but it shall be at the option of the Upper House to accede to their request or not.

18. When either House shall desire a conference with the other, or a joint committee, the reason for either shall be agreed to by the House desiring it, and communicated in writing to the other ; the Prolocutor personally or by committee in either case proceeding to the Upper House either to deliver or to receive such reasons.

19. When either House shall have come to a decision upon any subject in which the other House is concerned, it shall communicate its decision to the other.

20. If the Lower House should not concur in a decision of the Upper, they shall, in stating their non-concurrence, state their reason ; and may either propose an amendment, or request the Upper House to suggest an amendment to meet their reason or request a conference.

21. If the Upper should not concur in a resolution or decision of the Lower, they may, in stating their non-concurrence, either state their reasons or not ; and may either propose an amendment or request the Lower House to prepare an amendment, or appoint a conference, to which the Lower House shall always give attention.

22. The conference may be either by deputation from both Houses, or by deputation from the Lower House, or by open conference, as the Upper House may think fit ; and the place shall be appointed by the President.

23. No proposition shall be considered as sanctioned by the Provincial Synod, until it has received the separate sanction of both Houses, which shall be declared by the President in writing.

24. Committees, whether of either House, or of the two Houses, may hold their meetings either during recesses in the session, or during the prorogation of the Synod.

25. No alteration of the Constitution or Canons shall come into operation until it has been confirmed at a second session of the Provincial Synod.

26. Each meeting of the Synod shall be preceded or commenced by Morning Prayer and a Sermon, if so ordered by the Metropolitan, and on the first day of such meeting the Holy Communion shall be administered.

27. The business of each day shall be commenced by prayer for the Divine guidance and blessing, according to a form authorized by the House of Bishops.

28. The election of the Clerical and Lay Delegates shall be certified under the hand and seal of the Bishop of the Diocese which they represent, or, in the absence of the Bishop, the Chairman of the Synod, and such certificate shall be final and conclusive, which certificate shall be forwarded by the Secretaries of the Diocesan Synod to the Secretaries of the Lower House of the Provincial Synod within fourteen days after said election.

PERMANENT ORDER OF PROCEEDINGS, AS ADOPTED BY BOTH HOUSES.

1. The Provincial Synod shall meet at the place of deliberation (notice being previously given by the Metropolitan or his deputy, of the time and place of meeting); the Bishops attired in their proper robes, and the Clergy in their gowns, cassocks, bands, and hoods; and shall proceed in procession to the Cathedral for Divine service, on which occasion the Holy Communion shall always be administered. The Litany shall be said by the junior Bishop; the Preacher shall be appointed by the Metropolitan, and special prayer shall be made for the Synod. The collection shall be applied to the current expenses of the Synod, unless otherwise ordered by the Metropolitan.

2. At an appointed hour after Divine service the members of the Synod shall re-assemble at the place of deliberation, where, after the President has taken his seat, he shall inform the Lower House with regard to their place of meeting, and direct them to elect their Prolocutor.

3. When the Prolocutor has been elected, he shall be conducted to the Upper House by the Chairman, accompanied at discretion by any members of the Lower House, and his election announced to the President.

4. The President shall then state to him the business which the Upper House desire to engage the attention of the Lower House, specifying, when necessary, the order in which they desire it to be taken up.

5. On his return, the Prolocutor shall first nominate his own deputy (in case of his absence) and then introduce to the House the business on which the Upper desire them to engage themselves.

6. On every day of meeting after the first, the Synod shall meet at 9 a.m., and shall proceed at once, before any business is announced, to Morning Prayers at the Cathedral, or the place appointed, and after Prayers proceed to business.

7. Before the conclusion of the Session, the President, with the consent of the House of Bishops, shall issue a schedule, declaring the state in which each matter of business now stands which has been brought before the Upper House, and promulgate it to the Lower House; reserving all unfinished business to the next Session, and proroguing the Synod.

8. The Prolocutor, in receiving the schedule of prorogation, shall, at the first opportunity, communicate it to his House, which shall not prolong its sittings beyond that day.

ORDER OF PROCEEDINGS OF THE LOWER HOUSE.

1. After Prayer, the Clerical and Lay Secretaries shall call the roll of their respective orders.

2. The election of the new Secretaries shall be made by the Clergy and Laity respectively. A Treasurer and two Auditors shall also be appointed, all of whom shall hold their offices until their successors shall be appointed.

3. After this the order of business shall be as follows:—

(1) Reading, correcting and approving the minutes of previous meeting.

(2) Appointing Committees.

(3) Presenting, reading and referring memorials or petitions.

(4) Presenting reports of Committees, of Treasurer, or Auditors.

(5) Giving notice of motions.

(6) Taking up unfinished business.

(7) Consideration of motions.

(8) Orders of the day.

(9) Before the final adjournment of the Synod, reading, correcting and approving the minutes of the last day's proceedings.

RULES OF ORDER.

1. The Lower House shall meet on the day and at the hour and place appointed by the Metropolitan or President, unless otherwise ordered by the House, and on each succeeding day at ten o'clock; and the mid-day adjournment shall be from one o'clock to 2.30 p.m.; and the business, except the work of Committees, shall conclude at six p.m., at which hour the House shall proceed to the Cathedral for Evensong. The clergy shall appear in gowns and bands. When the Prolocutor has taken the Chair, every member shall sit uncovered.

2. The Prolocutor shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the House, to be decided without debate; and when called upon to decide a point of order, he shall state the rule applicable to the case, without argument or comment.

3. When any member wishes to speak, he shall rise and address the Chair.

4. When two or more members rise at the same time, the Prolocutor shall name the party first to speak.

5. A member called to order whilst speaking shall sit down, unless permitted to explain.

6. No motion or amendment shall be considered as before the House, unless seconded and reduced to writing.

7. No member, save the mover of a resolution, who, as mover, is entitled to reply, shall speak more than once, except by permission of the House.

8. A member may rise to explain, if permitted by the Chair.

9. No original motion, except motions of course, shall be received without notice, except by permission of the House.

10. When a resolution has been moved and seconded, any Member may require the previous question to be put, whether the motion so made shall be put or not, and that question shall be decided without debate.

11. When a motion has been read to the House by the Prolocutor, it cannot be withdrawn without the consent of the House.

12. When a question is under debate, no motion shall be received by the Chair, unless to amend it or postpone it, or to lay it on the table, or for adjournment, or for the previous question, and no more than one amendment to a proposed amendment of a motion shall be in order.

13. A motion to adjourn shall always be in order.

14. Motions to adjourn or to lay on the table shall be decided without debate.

15. A motion to suspend a Rule of Order shall take precedence of all other motions, and shall be decided without debate; and no Rule of Order shall be suspended, except upon the vote of two-thirds of the Members present.

16. A Member, if not interrupting a speaker, may require any motion in discussion to be read for his information, at any time during the debate.

17. When amendments are made to any motion, the amendments and the original motion shall be put in order the reverse of that in which they were brought forward.

18. When a question is finally put by the Prolocutor, either an original motion or an amendment, no further debate shall be allowed; the Prolocutor first declaring that the question is finally put.

19. When the Prolocutor is putting a question, no Member shall rise from his seat; and every member present, when a question is put, shall be required to vote on the same, unless excused by the House.

20. In voting, those who vote in the affirmative shall first rise, and then those who vote in the negative; and in case of an equality of votes the question shall be decided by the casting vote of the Prolocutor, who may also vote on the motion.

21. When required by two Clerical and two Lay Delegates, the vote of the House upon any question may be taken by orders voting separately; and in that case a majority of both orders shall be necessary to an affirmative vote.

22. On a division, the names of those who vote for or against a question shall be recorded in the Minutes, if required by three Members.

23. A question being once determined shall not again be drawn into discussion in the same Session, without the unanimous consent of the House.

24. Committees shall not be appointed without notice, excepting Standing Committees, Committees of the Prolocutor to the Upper House and Committees of course, such as those which follow upon the adoption of a resolution, which requires a Committee.

25. When a separate Committee of this House has been named, whose function is deliberative, the Prolocutor shall direct what number of its members do form a quorum, unless the quorum be fixed by the resolution under which the Committee is appointed.

26. When a Committee is appointed, the Mover of the resolution asking for the Committee shall be the Chairman of the Committee, or when a resolution is referred to a Committee, the Mover of the resolution shall be Chairman, unless the Committee has already been organized.

27. Reports of Committees shall be in writing, signed by the Chairman, and shall be received in course, but a motion may be made for recommitment.

28. Motions with reference to Reports from Committees shall take precedence of other motions on the paper.

29. Whenever it shall happen that members appointed on Committees are not re-elected to the Provincial Synod, the Prolocutor may appoint others from the same diocese or dioceses to fill their place; and in order thereto a copy of the certified lists of clerical and lay delegates sent to the Secretaries shall be sent by them to the Prolocutor.

30. It shall be the duty of the Secretaries to arrange a list of all unfinished business, and all notices of motions sent to them by members to be brought before the Provincial Synod, according to the order in which they are received; and, under the direction of the Metropolitan, to cause a printed copy of the same to be sent to every member of the Synod twenty-one days before its meeting; which business and notices shall stand first on the order of the day.

31. A Standing Committee of one Clerical and one Lay Delegate from each Diocese shall be appointed on the first day of the meeting of the Synod, and such Committee shall arrange for each day the order of precedence of the several motions, of which notice has been given, and have them printed.

32. In any unprovided case resort shall be had to the Rules of Order of the House of Assembly in Canada for guidance.

CANON I.

FOR THE NOMINATION AND ELECTION OF A BISHOP OF MONTREAL AND METROPOLITAN.

1. Whenever the See of Montreal becomes vacant, it shall be the duty of the Very Rev. the Dean of Montreal, or in case of his death or absence from the Province, of the Senior Archdeacon of the Diocese of Montreal, to notify the fact of such vacancy immediately to the Senior Bishop of the Church in Canada, who shall thereupon at once summon a special meeting of the House of Bishops to be held in Montreal two months from the date of said notice, for the purpose of nominating two or more persons to be presented to the Diocesan Synod of Montreal, for the choice of one of them as the Bishop of the Diocese of Montreal.

2. That the House of Bishops at said special meeting shall nominate at least two persons to be presented to the Diocesan Synod of Montreal, in order that such Diocesan Synod may choose one of such persons to be Bishop of the said Diocese, and the House of Bishops shall continue such nominations until the Diocesan Synod of Montreal shall make choice of one of such persons as Bishop of Montreal.

3. That in the event of the Diocesan Synod of Montreal rejecting the canon for the election of a Bishop, which gives the nomination of the Bishop to the House of Bishops; then

and in such case, on the occurrence of a vacancy in the See of Montreal, the Bishop of Montreal for the time being shall not, as Bishop of Montreal, be the Metropolitan Bishop, but the election of a Metropolitan Bishop shall in such case be vested in the House of Bishops, who shall and may proceed to such election at such time and place within this Province as the Senior Bishop of the Church in Canada may determine, but within three months after such vacancy has taken place, and on one month's notice given by him to the other Bishops of the House of Bishops; and each Bishop so elected Metropolitan shall have all the power, privileges, and authorities conferred by the Canons of this Synod upon a Metropolitan Bishop.

CANON II.

OF SUBMISSION OF CLERGY TO THE CANONS OF THE PROVINCIAL AND DIOCESAN SYNODS.

No Bishop within this Province shall hereafter grant his licence to any clergyman to the cure of souls until such clergyman has first subscribed and declared his submission to the Canons of the Provincial Synod, and of the Synod of the Diocese of such Bishop, in the following form:

I, (A. B.,) do willingly subscribe to and declare that I assent to and abide by the Canons which have been, or shall be, from time to time passed by the Provincial Synod, or the Synod of the Diocese of——

CANON III.

OF THE POWERS OF THE METROPOLITAN.

1. The Metropolitan shall have precedence of all the other Bishops of the Canadian Dioceses, and the said other Bishops shall be his Suffragans.

2. The Metropolitan shall preside over the House of Bishops, and shall convene the Provincial Synod and be the President thereof.

3. Upon a memorial signed by two-thirds of the Clerical and Lay Members of any Diocesan Synod, certified to be such by the Clerical and Lay Secretaries of such Diocesan Synod, requesting the Metropolitan Bishop to exercise visitatorial power in such Diocese, the said Metropolitan Bishop shall have full power and authority to visit such Diocese, and the Bishop thereof, and during such visitation, to inhibit the exercise of all or of such part or parts of the ordinary jurisdiction of such Bishop, as to him the Metropolitan Bishop shall seem expedient, and during the time of such visitation to exercise by himself, or his commissaries, such powers, functions, and jurisdiction in and over the said Diocese as the Bishop thereof might have exercised, if he had not been inhibited from exercising the same.

CANON IV.

OF THE TRIAL OF A BISHOP.

Offences for which a Bishop may be tried.

1. (A.) Crime or immorality.
2. Advisedly holding and teaching, whether publicly or privately, any doctrine contrary to that held by the Canadian Branch of the United Church of England and Ireland.
3. Wilful violation of the constitution or canons of the Provincial Synod.
4. Wilful violation of the constitution or canons of the Diocese to which he belongs.

1. (B.) All charges against a Bishop shall be made in writing, and shall be signed by seven male communicants in good standing, of whom three at least shall be Priests.

Action on Rumors.

2. Whenever a Bishop of this Church shall have reason to believe that there are in circulation rumors, reports or charges affecting his moral or religious character, he may, if he please,

if acting in conformity with the written advice and consent of any two of his brother Bishops, demand of the Metropolitan, or if the Metropolitan be the Bishop affected by such rumour, then of the Bishop senior by consecration, to convene a Board of Inquiry in the mode hereinafter set forth.

3. Accusers may choose a lay advocate in preparing proofs and charges, &c., or they may prepare such charges themselves, and in either case the grounds of accusation must be set forth with reasonable certainty of time, place, and circumstance

Charges to whom to be delivered.

4. Charges prepared in either of the modes mentioned shall be delivered to the Metropolitan, if he be not the accused; if he be the accused, the charges shall be delivered to the Bishop senior by consecration.

5. Accusers must give security for costs, in the sum of one thousand dollars.

Board of Inquiry how constituted.

6. The Metropolitan or senior Bishop, as the case may be, shall appoint the Deans, Archdeacons, and Chancellors of the different Dioceses of the Province as a Board of preliminary inquiry, the majority of whom shall form a quorum.

Notice to Members.

7. The Metropolitan or senior Bishop, as the case may be, shall give notice thereof to said Board, and direct them to attend at the time and place designated by him, and organize the Board; and it shall be the duty of each member so notified to attend. The place of meeting must be within the Diocese of the accused. The Metropolitan or Senior Bishop shall send at the same time a copy of the charges to the senior dignitary of the Board.

8. The Sittings of the Board shall be private.

9. The Rules of evidence adopted by the Board shall be those of the Civil Courts of this Province; but two witnesses shall be necessary to the proof of any charge.

Presentment.

10. If the majority of the Board present shall be of opinion that there are sufficient grounds to put the accused Bishop upon his trial, they shall direct the Chairman to prepare a presentment, to be signed by such of the Board as agree thereto.

11. The Chairman shall transmit to the Bishop from whom they received the charges, the presentment thus signed; and the Bishop shall send to the accused Bishop a copy of the same.

12. If a majority of the Board present shall be of opinion that there is not sufficient ground to put the accused Bishop on his trial, in such case the charges, together with the certificate of the Metropolitan, or senior Bishop by consecration, of its refusal to make a presentment, shall be prepared in duplicate, one to be sent to the Secretary of the Provincial Synod, to be deposited amongst the archives of the Synod, and the other to the Members of the Diocesan Synod of the Diocese where the Bishop has been so charged. No proceedings to be had thereafter by way of presentment on such charges, except upon affidavits of two male communicants of the Church, of good standing, of their discovery of new testimony as to the facts charged, and setting forth what such testimony is, which affidavits shall be transmitted to the Chairman of the Court of Inquiry, who shall decide whether they afford ground for a second investigation; and in case he decides that such second investigation is necessary, he shall notify the Metropolitan, or senior Bishop by consecration, as the case may be, who shall direct an inquiry as

hereinbefore ordered; and if he decides it to be unnecessary, he shall notify the same to the Metropolitan, or senior Bishop by consecration, as the case may be.

Limitations of Time.

13. No presentment shall be made in any case unless the alleged offence shall have been committed within two years next before the day on which the charges were delivered to the Metropolitan, or senior Bishop by consecration, except the charge be of such a nature that it would subject the accused to indictment before the civil courts.

Trial.

14. When a presentment shall have been made by the Board of Inquiry, or the majority thereof, it shall be the duty of the Bishop forthwith to give to the accused written notice to attend at the place appointed for the trial.

15. The Court shall be formed of the Bishops of the Province, the majority of whom must be present, excluding the accuser, if he be a Bishop, and the accused.

16. The Bishop to whom the presentment was made shall communicate to every Bishop that he is to attend as a member of the Court; he shall also appoint the time and place for the assembling of the Court; the time shall be within two calendar months of date of such notice, and the place shall be within the Diocese of the accused Bishop. The Bishop to whom the presentment has been made shall inform the accused Bishop, by written notice to be left at his usual place of residence, of the time and place appointed for the meeting, and summon him then and there to appear and answer.

17. The Bishops shall appoint a legal assessor at the time of trial.

18. If the accused refuse or neglect to appear, then the Court shall proceed *ex parte* to pronounce him in contumacy, and pronounce judgment in the case.

19. Accused may have counsel, the number of which is to be regulated by the Court.

20. The decision of the Court on all the charges shall be reduced to writing, and signed by those who assent to it, who must form a majority of the Court.

21. Sentence of the Court, if the accused be found guilty, shall be either admonition, suspension for a definite period, deprivation or degradation.

22. The judgment of the Court to be communicated to every Ecclesiastical authority within this Province, to the Provincial Synod, and to the Synod of the Diocese of the accused Bishop; and such Diocesan Synod shall forthwith proceed to enter and record such judgment. A full record of its proceedings shall be kept by every Court.

23. The assessors of the Court shall have no vote in any case whatever.

24. A charge for erroneous doctrine may be made against any Bishop of this Church or by any other Bishop in communion with this Church, not under suspension, deprivation, or degradation.

25. In case of a charge of erroneous doctrine made by a Bishop as aforesaid if the Bishop accused be afterwards put upon his trial, the Court shall be composed of all the Bishops except the accuser and accused; three Bishops must be present, and the consent of the majority shall be necessary to a conviction.

CANON V.

COURT OF APPEAL OF THE METROPOLITAN.

HOW CONSTITUTED.

The House of Bishops, presided over by the Metropolitan, or President of the Upper House, or Senior Bishop in their absence, with two or more assessors to be from time to time

nominated by the said House of Bishops, shall be the Court of Appeal from the judgment of any Diocesan Court.

Three Bishops shall constitute a quorum of the Court of Appeal and the decision of the majority of the Bishops sitting in Appeal shall bind, and in the event of an equality of votes the decision of the Court appealed from shall stand affirmed.

The Bishop of any Diocese, who has given any judgment either alone or in any Diocesan Court in, or is a party to, any case, shall not sit in Appeal in such case.

OFFICERS OF THE COURT.

There shall be a Registrar of the Court of Appeal, and such other officers as the Court may deem necessary, to be appointed from time to time by the Metropolitan.

WHEN APPEAL SHALL LIE.

An Appeal shall lie to the Court of Appeal, in all cases adjudged by any Diocesan Court, on behalf of any party to the case or proceeding in the Diocesan Court.

There shall be no appeal for any error or defect in form in any proceeding or judgment in a Diocesan Court.

An Appeal shall lie to the Court of Appeal from the judgment or decision of the Bishop of any Diocese.

PROCEEDINGS OF THE COURT.

The Court of Appeal may sit in any Diocese, at such times and places as the Court shall, from time to time, order and direct.

The Appellant shall give notice of Appeal to the Respondent and the Bishop of the Diocese in the Court of which the judgment appealed from is given, within one calendar month after such judgment.

The Appellant shall give to the Respondent, within two calendar months after such judgment is given, a bond with

sufficient securities, to be approved by the Registrar of the Court of Appeal, in the sum of \$400, to secure the Respondent for the costs of appeal, in case the appeal is dismissed.

Every Appeal shall be prosecuted to a hearing by the Appellant within one year after such judgment is given, if the Court of Appeal shall sit within such period of one year, and if the Court of Appeal shall not so sit, then at the first sitting of the Court of Appeal after such year shall have expired.

The Appellant shall, within three calendar months after such judgment, bring into the Court of Appeal and file with the Registrar thereof, a transcript of all the proceedings and judgments appealed from, certified to be correct by the Registrar of the Diocesan Court, or the Bishop of the Diocese whose judgment is appealed against.

If any of the proceedings in the next preceding four sections are not taken within the times respectively limited therefor, the Appeal shall be considered dismissed, and the judgment appealed from shall stand.

The Appellant shall give the Respondent one calendar month's notice in writing of the hearing of the Appeal.

The Court of Appeal shall make such rules and orders as to the forms of procedure and practice, fees and costs, as such Court shall from time to time deem necessary.

CANON VI.

OF MINISTERING IN PARISHES.

1. No Clergyman shall absent himself from his charge, for more than four weeks at a time, without the written consent of the Bishop, or, in his absence, of his Commissary.

2. No person shall be permitted to celebrate Divine Service or perform any office of the Church, permanently or occasionally, except he shall have been Episcopally and Canonically ordained, and it shall be the duty of the Incumbent, or, in his absence, of the Church-wardens, to demand proof of such

ordination and of the good standing of the Clergyman before permitting him to officiate.

No person shall perform the office of Lay Reader except he shall hold the Bishop's licence.

This Canon shall not apply to the students of any Theological College, so as to prevent them from reading the Lessons in the College Chapel, or to Laymen occasionally officiating, when there is a necessity for it.

3. No Clergyman shall officiate in any Mission or Parish, either as substitute for the Incumbent or as his assistant, for more than one month, without the written licence of the Bishop, and no person who has availed himself of this implied permission shall be allowed to officiate again in the same Mission or Parish within a period of three months, unless he obtain the licence of the Bishop or the Bishop's commissary.

4. No Bishop of one Diocese shall perform any Episcopal functions in another without the sanction of the Bishop thereof, save in the case provided for by the Canon relating to the powers of the Metropolitan, nor shall any Bishop perform any such functions in any vacant Diocese except by instruction from the Metropolitan; or, in case of the voidance of his Diocese, from the Senior Bishop of the Province.

CANON VII.

OF LETTERS TESTIMONIAL.

When a Priest or Deacon in good standing is desirous of leaving a Diocese, it shall be the duty of the Bishop to give him, on his request, the usual "Letters Testimonial," but the Clergyman receiving the same shall continue subject to the Episcopal Jurisdiction of the Bishop till the Letters Testimonial shall have been presented according to their address, and accepted by the Bishop to whose Diocese the Clergyman wishes to be transferred; provided always that if they be not presented within three months after their date, they may

be considered as void by the authority whence they proceeded, and shall be void unless they be presented within six months.

CANON VIII.

OF EPISCOPAL RESIGNATIONS.

If a Bishop shall desire to resign his Diocese, he shall give in his resignation to the Metropolitan, in writing, or (if he be himself Metropolitan) to the Bishop senior by Consecration: but such resignation shall not be accepted unless a majority of the House of Bishops consent.

CANON IX.

OF THE SUBDIVISION OF DIOCESES.

The House of Bishops shall have the power of subdividing existing Dioceses, or of forming a new Diocese out of portions of existing Dioceses which may be contiguous, with the concurrence, or upon the application, of the Synod or Synods of the Diocese or Dioceses affected, and it shall be the duty of such Synod or Synods to consider, without delay, any proposal for the subdivision of a Diocese which may emanate from the House of Bishops.

CANON X.

OF THE OFFICIATING OF STRANGE CLERGYMEN IN A DIOCESE.

When a Bishop is aware that a clergyman not of his Diocese is officiating or about to officiate in his Diocese, and when the said Bishop shall have good reason to believe that doubts exist regarding the clergyman's orthodoxy, canonical ordination, or good morals, then the Bishop may inhibit him from officiating within his Diocese, by a writing addressed to him, and to the clergy; and any clergyman, after the receipt of the Bishop's inhibition, permitting such inhibited person to

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perform any clerical function in his Church, or Mission Chapel, shall be proceeded against by the Bishop for breach of Canonical obedience.

CANON XI.

OF MISSIONARY BISHOPS.

1. The Provincial Synod may elect a suitable Priest to be a Missionary Bishop over a district not within any organized Diocese or over a District which includes within the new Territory a part or parts of one or more existing Dioceses, and when the House of Bishops shall be satisfied that adequate provision has been made for the support of a Missionary Bishop, the Metropolitan or presiding Bishop may convene the Provincial Synod for the purpose of electing such Missionary Bishop, by the joint action of the Upper and Lower Houses, which election shall be conducted in the following manner:—The House of Bishops shall present to the Lower House one or more names for election by ballot, and if none of these names shall be accepted by the Lower House further names shall be presented by the Upper House until it shall signify that it has no other name to present. All names presented to the Lower House shall be before it for election until an election shall have been made. A majority of votes Clerical and Lay shall be necessary to an election.

2. In case a Missionary Bishop shall be appointed in the manner hereinbefore mentioned over a District which includes or consists of a part or parts of one or more existing Dioceses, the Missionary Bishop shall exercise no jurisdiction over any such part or parts of such other Diocese or Dioceses, until the Synod or Synods of the Diocese or Dioceses affected shall have consented to his so doing, and it shall be the duty of such Synod or Synods to consider without delay any such proposal.

3. The Bishop elected, as aforesaid, shall exercise his Episcopal functions in such Missionary District in conformity

with the Constitution and Canons of this Province, so far as they can be made applicable to the condition of his District.

4. Every Missionary Bishop shall be entitled to a seat in the House of Bishops, and shall report to the Metropolitan, for the information of the Provincial Synod, at every meeting of the Synod concerning the state and condition of the Church in his Missionary District.

5. In the event of a vacancy occurring in any Missionary Diocese, the Provincial Synod shall be summoned, within six months, to elect another Missionary Bishop; provided the regular meeting of the Provincial Synod shall not take place within twelve months after such vacancy, in which case the election shall be postponed until such regular meeting, and in the meantime, the duties of the late Bishop shall devolve, so far as they can be discharged by him, on a Commissary, whom it shall be the duty of every Missionary Bishop to appoint on his consecration, and from time to time, as the office shall become vacant.

6. Nothing contained in the first clause of this Canon shall prevent the election of a Missionary Bishop at this Session of the Synod, or at any adjourned session of the same.

7. Any Diocese of the Province may, if it desires so to do separate and set apart any portion of its Territory as a District suitable for the establishment therein of a Missionary Bishopric, and such Territory so set apart may become a Missionary Diocese and a Bishop be appointed thereto in accordance with the foregoing Canon.

